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THE HONORABLE JOHN C. COUGHENOUR

**UNITED STATES DISTRICT COURT
 WESTERN DISTRICT OF WASHINGTON AT SEATTLE**

<p>KEVIN SELKOWITZ, an individual,</p> <p style="text-align: right;">Plaintiff</p> <p>v.</p> <p>LITTON LOAN SERVICING LP, a Delaware Limited Partnership; NEW CENTURY MORTGAGE CORPORATION, a California Corporation; QUALITY LOAN SERVICE CORPORATION OF WASHINGTON, a Washington Corporation ; FIRST AMERICAN TITLE INSURANCE COMPANY, a Washington Corporation; MORTGAGE ELECTRONIC REGISTRATION SYSTEMS, INC., a Delaware Corporation, and DOE Defendants 1-20,</p> <p style="text-align: right;">Defendants.</p>	<p>NO. 3:10-cv-05523-JCC</p> <p>TEMPORARY RESTRAINING ORDER</p>
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THIS MATTER, having come on regularly for hearing before the undersigned Judge upon presentation of Plaintiff's Motion for Emergency Temporary Restraining Order, the Court having considered the verified Complaint on file herein, the records and files herein, and the Court finding good cause has been shown, the Court now makes the following findings of fact:

1. In order to obtain an temporary restraining order, a plaintiff must show that (1) she has a clear legal or equitable right; (2) that she has a well-grounded fear of immediate

TEMPORARY RESTRAINING ORDER

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1 invasion of that right, and (3) that the acts complained of are either resulting in or will result in
 2 actual and substantial injury to her. *Kucera v. State Department of Transportation*, 140 Wn.2d
 3 200, 209, 995 P.2d 63 (2000). Such criteria is evaluated by balancing the relative interests of the
 4 parties, and if appropriate, the interests of the public. *Id.*

5 2. Plaintiffs have sufficiently demonstrated to the Court that they are entitled to a
 6 Temporary Restraining Order, restraining the Trustee, QUALITY LOAN SERVICE
 7 CORPORATION OF WASHINGTON, from sale of Plaintiff's residence at sale, now scheduled
 8 for September 3, 2010. If the trustee's sale is not restrained, Plaintiff's rights may be
 9 terminated, without recourse, and he could be prevented from litigating his valid claims
 10 regarding the propriety of the foreclosure process. It would also extinguish Plaintiff's right to
 11 reacquire the subject real property as there are no redemption rights under the provisions of
 12 *RCW 61.24, et seq.* The loss of homeownership would necessarily cause Plaintiff irreparable
 13 injury that could not be sufficiently compensated with an award of money damages. Defendants
 14 named herein will not suffer any substantial harm if the sale is restrained for some period of
 15 time, since the sale date can be postponed orally for up to 120 days without impacting the
 16 foreclosing parties' rights to complete the sale, pursuant to *RCW 61.24.040(6)*. In balancing the
 17 rights and interests of the parties, it is clear that Plaintiff will suffer greater harm if the sale is not
 temporarily restrained until such time as Plaintiff's rights are adjudicated.

18 Based upon the foregoing findings of fact, the Court hereby orders as follows:

19 The Defendant QUALITY LOAN SERVICE CORPORATION OF WASHINGTON, or
 20 any successor trustee as the beneficiary under that certain Deed of Trust, dated November 1,
 21 2006, under King County Auditor's File No. 20061101000910 in connection with real
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property located at 6617 Southeast Cougar Mountain Way, Bellevue, WA 98006, will be restrained from sale of such properties, or until further order of the Court.

DATED this _____ day of August 2010.

Judge John C. Coughenour

Presented by:

RICHARD LLEWELYN JONES, P.S.

/s/ Richard Llewelyn Jones

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